

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MICHAEL ESTRADA, INDIVIDUALLY AND ON BEHALF OF OTHERS SIMILARLY SITUATED	:	CIVIL ACTION
	:	
	:	
	:	
v.	:	NO. 12-604
	:	
MAGUIRE INSURANCE AGENCY, INC.	:	

ORDER

AND NOW, this day of August, 2012, upon consideration of the parties' correspondence to the Court setting forth a proposed discovery schedule regarding conditional certification and Plaintiff's individual claim, it is hereby **ORDERED** that:

1. Discovery on Plaintiff's individual claim shall be completed by **December 21, 2012**.
2. Discovery on the appropriateness of conditionally certifying this case as a collective action under the Fair Labor Standards Act (FLSA) shall also be completed by **December 21, 2012**.
3. Conditional certification discovery shall be limited to the following topics:
 - a. Defendant's employment policies and practices related to "Fast Track Claims Examiners" (Examiners), including any handbooks; rules; policies; guidelines; standards; practices; training materials; the identity of individuals who provided training; and general work schedule information, if any.
 - b. The job duties of Examiners, including their settlement authorization; the categories of claims handled; the computer software used; and standards set forth by Defendant regarding how Examiners perform their duties.

- c. The process by which Defendant makes determinations related to the FLSA classification of Examiners, including written discovery and/or a deposition of the individual responsible for making such determinations for Defendant.
 - d. Any inquiries made by Defendant as to the “exempt v. non-exempt” status of Examiners under the FLSA, including research performed or inquiries made to the Department of Labor.
 - e. The Defendant’s corporate hierarchy.
4. Any motion for summary judgment regarding Plaintiff’s individual claim shall be filed no later than **January 7, 2013**. Responses to summary judgment motions, if any, shall be filed no later than **January 28, 2013**.
5. Plaintiff shall file a motion for conditional certification on **January 7, 2013**. Defendant’s response shall be filed no later than **January 28, 2013**.

BY THE COURT:

/s/ Mitchell S. Goldberg

Mitchell S. Goldberg, J.